



JON M. HUNTSMAN, JR.  
*Governor*

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*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
*Executive Director*

### Division of Water Rights

KENT L. JONES  
*State Engineer/Division Director*

March 16, 2009

Dear West Milburn Water Users:

You appear to be one of the owners of shares in the defunct West Milburn Irrigation Company. That company was the owner of Water Right number 65-3242 and water has been diverted into the "Long Ditch" on the basis of that right. More than 20 years ago when the West Milburn Irrigation Company entity was dissolved, the company's distribution assessment was divided into individual distribution accounts under the names of the share holders in the company. Since that time, there have been many changes in landownership in the area described as the place of use for this water right. We are certain the names on the distribution accounts are not up to date.

It is our understanding that the West Milburn Water Users have been operating without a formal organization and distributing water as the group determines appropriate for the area formerly serviced by the now dissolved West Milburn Irrigation Company.

The Upper San Pitch water commissioner's responsibility is to control the diversion and record the diversion flow measurements at the Parshall flume located at the head of the Long Ditch. He has no responsibility to distribute or regulate the use of water from the Long Ditch.

In reviewing the situation with the diversion into the Long Ditch, the State Engineer has determined it is not appropriate to maintain numerous accounts associated with remnants of the dissolved West Milburn Irrigation Company. Accordingly, the existing accounts have been made inactive, and a single **West Milburn Irrigation** account has been created to assess all the West Milburn Water Users as a single group. Enclosed is the assessment notice for the West Milburn Irrigation Account.

It is up to the West Milburn Water Users collectively make full payment on the outstanding balance shown on this single assessment for 2009. This office suggests the water users organize and determine their proportionate responsibility based on irrigated land and water delivered. It is recommended that the water users consider reorganizing the West Milburn Irrigation Company, and at a minimum document any formal or informal agreements made towards resolution of responsibilities associated with the assessment payment.

To assist you in this effort, we are providing what information we have regarding how the use of water may have been divided among the Long Ditch water users. Included are: copies of the now inactive distribution accounts showing the balance due or credits (these amounts have been combined into the enclosed assessment) and a worksheet showing the possible existing proportional ownership of the water right.

If the water users choose to re-incorporate the West Milburn Irrigation Company, we suggest they retain legal counsel to guide them through the process. A review



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of the "Non Profit Corporation Amendments" from the 2007 General Session of the State of Utah 2007 Senate Bill 9 might be helpful to see if it applies to your situation. Specifically, this bill deals with the transfer of water right title upon dissolution of a nonprofit corporation.

We are mailing this letter and notice to all those we are aware of who may have a possible interest in the Long Ditch water, however, we are certain that our information is incomplete. Attached is the mailing list of those receiving this letter and notice; it indicates some of the gaps we have in our information. We are sending this letter and assessment notice to the entire group only this year to notify you that a change must be made. Next year, in 2010, the assessment notice will be sent only to the person or company who has been designated to act for the group in the payment of the assessment.

Please note that failure to pay the assessment will eventually lead to a collection action by the Division of Water Rights. If a collection action is required, a \$200 collection fee will be added to the amount due. If a collection action is commenced, it may lead to an order to cease the use of water.

If you have any questions concerning this letter, please contact me by phone at 801-538-7430 or by e-mail at [MikeSilva@utah.gov](mailto:MikeSilva@utah.gov).

Sincerely,



Mike Silva  
Distribution Engineer

MS/ms

Enclosures:

- Assessment for West Milburn Irrigation (consolidated owners)
- WR Printout for 65-3242
- Mailing List
- Account Spreadsheet & Percentage of Water
- Maps (Contained in one copy to Richards only)

cc:

Randy Allred, Water Commissioner 89 W 200 S SPRING CITY UT  
Larry Rawlings, Deputy Water Commissioner  
Kirk Forbush, Regional Engineer, Richfield

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**This page for Assessment insert**

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**This letter was sent to:**

BOB REVOIR,  
PO BOX 384  
FAIRVIEW, UT 84629

\* GABRIEL BRISTOL & KEVIN MADSEN JOINT TENANT 323-640-2418  
1139 MOUND AVE  
S PASADENA, CA 91030  
*\*(May have sold to Charlie Jensen)*

CRAIG D.AND BARBARA JILL BURNS 435-427-9859 CDAVIDBURNS@YAHOO.COM  
RR 1 BOX 169  
11060 EAST 30250 NORTH  
FAIRVIEW, UT 84629

COMPTON FAMILY TRUST  
RAYMOND DALE AND DIANA LEE COMPTON TRUSTEE  
RRI BOX 173B  
FAIRVIEW, UTAH 84629

WEST MILBURN IRRIGATION COMPANY  
C/O JOHN F. STEWART  
P.O. BOX 83  
FAIRVIEW UT 84629

WHEELER, RONALD V (801) 489-5544  
1050 HILLCREST DR  
SPRINGVILLE UT 84663

GILLESPIE LIVESTOCK CO (435) 427-3789  
PO BOX 6  
FAIRVIEW UT 84629

DARROL STEWART C/O RONALD WHEELER  
1050 HILLCREST DR.  
SPRINGVILLE UT 84663

FRED CHRISTENSEN  
PO BOX 226  
FAIRVIEW UT 84629

GARY & CRISTINE BIRD (801) 972-5619  
RR 1 BOX 175  
FAIRVIEW UT 84629-9518

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JOSEPH WHEELER (435) 427-3910  
RR1 BOX 173A  
FAIRVIEW UT 84629

RICHARDS, ROBERT D. & PATRICIA ANN (435) 427 3587  
PO BOX 456  
FAIRVIEW UT 84629

FARNSWORTH, CHIP T. & KRISTEN L  
RR 1 BOX 151  
FAIRVIEW UT 84629

EARL HANSEN  
PO BOX 334  
FAIRVIEW UT 84629

*(note: Land Owner but may not have Irrigation rights)*

CHARLIE JENSEN  
PO BOX 334  
FAIRVIEW UT 84629

**No Know Addresses for:**

Daniel Briggs

J.W. Christensen

John Est. Graham

John Graham

Nellie Graham

Mrs. Philinda Mower

Otis L. Stewart

Myron Stewart

Cyrus Stewart

Ray Stewart

Current account for Former West Milburn Account holders

102011	WHEELER, RONALD V	1050 HILLCREST DR	SPRINGVILLE	UT	84663	(801) 489-5544	0	
102014	GILLESPIE LIVESTOCK CO	PO BOX 6	FAIRVIEW	UT	84629	(435) 427-3789	0	
102015	DARROL STEWART C/O RONALD WHEELER	1050 HILLCREST DR.	SPRINGVILLE	UT	84663		0	
102016	FRED CHRISTENSEN	PO BOX 226	FAIRVIEW	UT	84629		0	
102017	COMPTON FAMILY TRUST Attn: RAYMOND COMPTON	R.R. 1 BOX 173-B	FAIRVIEW	UT	84629- 9531	435-427-3946	0	
102018	GARY & CRISTINE BIRD	RR 1 BOX 175	FAIRVIEW	UT	84629- 9518	(801) 972-5619	-13.15	
102019	JOSEPH WHEELER	RR1 Box 173A	FAIRVIEW	UT	84629	(435) 427-3910	0	
102938	Richards, Robert D. & Patricia Ann	PO Box 456	Fairview	UT	84629	(435) 427 3587	-29.41	
102939	Farnsworth, Chip T. & Kristen L	RPI Box 151	Fairview	UT	84629		0.44	Cred
103106	EARL HANSEN	PO BOX 334	FAIRVIEW	UT	84629		0	
103107	CHARLIE JENSEN	PO BOX 334	FAIRVIEW	UT	84629		0	
102010	COMPTON, RAYMOND	R.R. 1 BOX 173-B	FAIRVIEW	UT	84629- 9531	435-427-3946	116.43	Cred

**Balance: 74.31 Credit (before 2009 Assessment)**

General Information:

For all the West Milburn Irrigators, the WC distributes & measures the water at a single point at their diversion, it is reported the water users then take water on turns based on a prorated, time percentage basis according to their irrigated acreage shown in their water right. At the time West Milburn Irrigation Co. was disbanded a percentage basis was used to divide the total diversion into individual responsibilities for payment of the now fragmented West Milburn Irrigation company.

The percentages used by the water commissioner, to divide the responsibility for the West Milburn Irrigation Co charges has traditionally been used each year since the dissolution. However through ownership changes, the percentages of water used and current ownership now, no longer matches the amounts at the time of dissolution.

As a point of information, the water commissioner uses the following breakdown of the West Milburn water diverted into the following accounts, although these percentages are in error, they have traditionally been used to segregate the responsibility for payment of a fragmented assessment that used to exist under West Milburn Irrigation Co.

**West Milburn Irr. Co**

<b>Earl Hansen</b>	4%
<b>Charlie Jenson</b>	1%
<b>Raymond Compton</b>	5%
<b>Joseph Wheeler</b>	3%
<b>Ronald V Wheeler</b>	43%
<b>Gary &amp; Christine Bird</b>	3%

**Renamed Accounts** now have **WMI** as the Lead Name to cluster these on the Roster

<b>WMI Richards, Robert D &amp; Patricia Ann</b>	5%
<b>WMI Farnsworth, Chip T &amp; Kristen:</b>	4%
<b>WMI Fred Christensen,</b>	6.5%
<b>WMI Gulespie Livestock</b>	6.5%
<b>Compton Trust</b>	4%
<b>Darrol Stewart, c/o Ron Wheeler</b>	14%

Note total above only adds to 96%, possibly allowing for carry water, ditch loss or unassigned shares The above list no longer reflects current water rights holders.

A distribution schedule based on time was developed from the water right 65-3242, to show the amount of time over a two week period each user should water, this equates to **about 54 minutes per irrigated acre**. Ideally this would be the same percentage breakdown for dividing the total amount of West Milburn Irrigation Diversion water along with corresponding assessment responsibility.

Note there is not a good match between Account Names and Ownership on the Water Rights Map.

Efforts to create a match between the West Milburn Distribution Accounts and the water Right Ownership research has resulted in the following information contained in the Water Rights Data file:

**WATER RIGHT OWNERSHIP INFORMATION OF RECORD UNDER WR# 65-3242**

There are 3 sections involved. Under West Milburn **WR # 65-3242**

All are T13S R 4 E:

Irrigated area by Section totals:

Section 1: 71.6 Acres

Section 2: 153.2 Acres

acres double counted

Section 11: 146.9 Acres

Total is: 371.1 Acres

Should be 134.7

Note this has 18.5 acres more than it should, see M Stewart, 18.5

Summary Map:

Section 2 153.2 Acres	Section 1 71.6 Acres
Section 11 146.9 Acres	Section 12

**Current ownership WR records show on the WR # 65-3242:**

Daniel Briggs

ADDR: UT                      REMARKS: 46.0 acres Sec 2

NAME: Gabriel Bristol PHONE: 323-640-2418 REMARKS: joint tenant with Kevin Madsen

ADDR: 1139 MOUND AVE S PASADENA, CA 91030

NAME: Kevin Madsen PHONE: 323-640-2418 REMARKS: 4.25 acres sec 11 joint tenant with Gabriel Bristol

ADDR: 1139 MOUND AVE S PASADENA, CA 91030

NAME: Craig D.and Barbara Jill Burns PHONE: 435-427-9859 EMAIL: cdavidburns@yahoo.com

ADDR: RR 1 Box 169, 11060 East 30250 North, Fairview, UT 84629 REMARKS: 5.00 acs. in Sec 1. Joint Tenants



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NAME: J.W. Christensen

ADDR: UT                REMARKS: 20.0 ac sec 11

NAME: Compton Family Trust PHONE:

ADDR: Raymond Dale and Diana Lee Compton trustee

RRI Box 173B    Fairview, Utah 84629                REMARKS: 27.30 ac (sec 2), 9.80 acs. (sec 1)

NAME: John Est. Graham

ADDR: UT                REMARKS: 30.50 ac sec 11

NAME: John Graham

ADDR: UT                REMARKS: 10.10 ac sec 11

NAME: Nellie Graham

ADDR: UT                REMARKS: 49.25 ac sec 11

NAME: Mrs. Philinda Mower

ADDR: UT                REMARKS: 10 ac Sec 11

NAME: Otis L. Stewart

ADDR: UT                REMARKS: 56.8 ac Sec 1

NAME: Myron Stewart

ADDR: UT REMARKS: 41.50ac = 23.0 sec 2, 18.5 ac sec 11

NAME: Cyrus Stewart

ADDR: UT    REMARKS: 38.40 ac sec 2

NAME: Ray Stewart

ADDR: UT REMARKS: 22.30 ac sec 11

NAME: West Milburn Irrigation Company (Note: no acreage assigned in WR Listing)

ADDR: c/o John F. Stewart ( on Dist account as Joseph Wheeler)

P .O. Box 83, Fairview UT 84629

**West Milburn Irrigation (WMI) Accounts: Calculating Irrigation time shares over a 2 week period:**

A number of years ago the West Milburn Irrigation (WMI) Account existed as one single account, however the WMI disbanded causing the need to bill them now as individual accounts under WMI. The individual users now share the cost, however not all water right owners users are currently being billed under the distribution accounts. In 2009, the Division of Water Rights, Distribution Section shifted back to billing West Milburn Irrigation as a single account:

The distribution of water is done by turns based on Irrigated acreage, equating to time over a 2 week period.

**West Milburn Accounts Under WR# 65-3242**

**Based on Water Rights**

As per listing in Data Base				Hrs over 2 wks	% of total for assessment
<u>Name</u>	<u>Notes</u>	<u>Section</u>	<u>Acreage</u>	<u>Irr. Time</u>	
Briggs	?	2	46	41.08	12.39
Bristol/ Madsen	?	11	4.25	3.80	1.14
Burns	Next to Ray Compton	1	5	4.46	1.35
Christensen	?	11	20	22.40	5.39
Compton Family	Next to Ray Compton	2	27.3	24.38	7.35
Compton Family (Bird)	Next to Ray Compton	1	9.8	8.75	2.64
Graham, John Est	?	11	30.5	27.24	8.22
Graham, John	?	11	10.1	9.02	2.72
Graham, Nellie	?	11	49.25	43.98	13.27
Mower, Philinda	?	11	10	8.93	2.69
Stewart, Otis	Larry Stewart?	1	56.8	50.72	15.30
Stewart, Myron	?	2	23	20.54	6.20
	2 parcels south of Compton are				
Stewart, Myron	Stewarts	11	18.5	16.52	4.98
Stewart, Cyrus		2	38.4	34.29	10.34
Stewart, Ray		11	22.3	19.91	6.01
West Milburn Irr Stewart, JF					0.00
		<b>Total</b>	<b>371.2</b>	<b>336.00</b>	<b>100.00</b>

total hours in 2 week period:  
 24hours\*14days = 336 hours/2 weeks

336

Calculate Hours per acre:

336 hours/371.2 acres= 0.905172  
 414  
 Hours per acre or 53.58  
 0.893minutes